

SPL Process Team Meeting Minutes 14 June 2017

FDA SPL News

Medical Device SPL UDI – Compliance Dates for Class I and Unclassified Devices Extended (new info)

- On June 2, 2017, the FDA extended the Compliance Dates for Class I and Unclassified devices for two years
- The UDI Label, GUDID Submission, and Label Date Format deadline for these devices is extended from Sep 24, 2018 to Sep 24, 2020
- The Direct Marking deadline for these devices is extended from Sep 24, 2020 to Sep 24, 2022
- UDI compliance for these devices may be implemented now and up to the new deadlines
- In the meantime, the FDA plans to concentrate on improving the quality of the previously received data for Class III and Class II products before requiring additional Class I data (look for forthcoming guidance)
- FDA announcement published on [UDI Exceptions, Alternatives and Time Extensions](#) webpage
- FDA full [Letter to Device Labelers on UDI Compliance Dates for Class I and Unclassified Devices – June 2, 2017](#)

Drug SPL Listing – Annual No-change Recertification (new info)

- FDA confirmed the requirement of when to list a drug product and when/how to provide annual recertification for drugs that had no change in the last year.
- [Blanket No Change Certification for Product Listing Data](#)

“All product listings which do not require an updated submission must still be certified as current. Rather than submit a duplicate submission with the same data, or an abbreviated No Changes Notification SPL for every product listing, a company may, during the annual re-registration period (October 1 to December 31), submit a “blanket” certification for all products under a particular labeler code not otherwise updated.

“A blanket certification may be accomplished by submitting an updated Labeler Code Form SPL with current or updated company and contact information. Receipt of an updated Labeler Code SPL within this period will be considered a statement that all product listings under the labeler code have been reviewed and those that were not specifically updated should be considered to still be current and active.

“Any product listing that is not updated within the year and for which a labeler code update has not been received, may be considered inactive and removed from the NDC Directory and other publications of Listing data.”

If there have been no changes to any of your products, you can just re-submit your Labeler Code Request file and all products using that labeler code will be considered unchanged. *J. Bruner*

****Drug listing to update CMO information was submitted. Does that count as the yearly update? -Didn't get the name.***

Theory is that as long as you have submitted a SPL listing for any reason, it counts as the yearly submission. -Reed Tech-Gary Saner.

REMS Webinar

FDA free webinar on Risk Evaluation and Mitigation Strategies (REMS). The webinar topics will include an overview of REMS by Elaine Lippmann, FDA, and an introduction to the use of SPL for REMS information by Adam Kroetsch, FDA. You can submit questions upon registration and/or during the Q&A sessions.

Sponsor: FDA, Center for Drug Evaluation and Research and Small Business and Industry Assistance (CDER SBIA)

Subject: Risk Evaluation and Mitigation Strategies (REMS): A Deeper Dive

Venue: Free webinar in the CDER SBIA series

Date: June 15, 2017

Time: 12:00pm - 3:00pm (Eastern Daylight Time)

Registration: webinar website

FDA issues warning letter citing errors in drug listings

This month, FDA issued a warning letter to an OTC drug labeler for failing to provide complete and accurate information in the metadata sections of two drug listing files. In this case, the drug listings contained complete ingredient information in the narrative labeling, but an active ingredient was left out of the drug listing data tables in the metadata section for both products.

Mistakes like this can easily happen. One ingredient in a list of dozens can be overlooked. A line of code in the SPL-XML file can be accidentally altered or deleted. Data values can be confused for similar controlled terms, units of measurement incorrectly assigned or decimals put in the wrong place.

But seemingly small mistakes can have big consequences. FDA's letter reinforces the message delivered many times by the agency in the past, that failure to provide complete and accurate drug listing information constitutes misbranding and means the product cannot be legally sold—"your firm's failure to fulfill its listing obligations misbrands the product...introduction into interstate commerce of a misbranded product is a prohibited act."

Remember, a drug listing file passing technical validation when submitted does not mean that all the data it contains is accurate and complete, it only means that the formatting of the data that is there meets the FDA's technical requirements.

Reed Tech

Link to Warning Letter:

- <https://www.fda.gov/ICECI/EnforcementActions/WarningLetters/2017/ucm561702.htm>

**Additional Warning Letters have been issued for drug listing deficiencies.*

Strength Conversion in Drug Listing

In order to standardize the expression of active ingredients in drug listing Structured Product Labeling (SPL) submitted to FDA, the agency has adopted a series of automated validation rules to allow for certain expressions.

The strength data element in a listing SPL is designed to accept submissions mostly in concentrations of w/w (mass/mass) or w/v (mass/volume) format, when the strength of an active ingredient is expressed as a percentage. Percentages must be converted into ratios of w/w or w/v with a value in the numerator and in the denominator including the correct units of measure in order to pass the SPL validation rules.

<https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/DrugRegistrationandListing/ucm539988.htm>

Questions for Today's Meeting

1. **Are sample labels being included in the HOW SUPPLIED section of the USPI based on the listings category?** *Maricarmen Dilone-Raposo*

FDA is recommending that we now designate samples in **the drug listing data**. Packages may now be marked as being a drug sample rather than regularly marketed for sale. Packages that are samples are marked with a marketing Act code *SPL Tech Team Notes, Gary Saner*

C96974 instead of the default marketingAct code C53292:

```
<asContent>
  <containerPackagedProduct>...</containerPackagedProduct>
  <subjectOf>
    <marketingAct>
      <code code="C96974" codeSystem="2.16.840.1.113883.3.26.1.1"/>
      <statusCode code="active"/>
    </marketingAct>
    <effectiveTime>
      <low value="20040120"/>
    </effectiveTime>
  </subjectOf>
</asContent>
```

*

2. When listing sample labels is there a marketing ending date included? Or a marketing start date, if samples are re-introduced to the market? Maricarmen Dilone-Raposo

It is our understanding the drug sample NDC follows the same guidelines as a commercial product, that is:

- The same NDC may be used for the same product (see criteria below) if reintroduced to the market

21 CFR 207.35 Notification of registrant; drug establishment registration number and drug listing number.

- Additional information – For those that don't know, NDC numbers cannot be reused for a new product. The FDA changed their stance on this question with "FDA Establishment Registration and Listing Final Rule" published to the Federal Register on August 31, 2016. Here is the the specific comment where they address this:

(Comment 34) Some comments supported the proposed rule's revocation of then-current § 207.35(b)(4)(ii), which stated that the product code of a discontinued product could be reassigned to another product 5 years after the expiration date of the discontinued product or, if there is no expiration date, 5 years after the last shipment of the discontinued product. Commenters generally agreed that the reuse of old NDCs for a different Start Printed Page 60187product in the future can be confusing. One comment, however, urged FDA to allow for the reuse of NDCs.

(Response) FDA is retaining this general prohibition against the reuse of NDCs in the final rule. As indicated in new § 207.33(d)(2), an NDC will not be assigned to a drug if it was previously assigned to a different drug. The prohibition against reuse of NDCs applies to listings submitted on or after the effective date of this final rule. Drugs that are currently listed under NDCs that have been reused in accordance with previous § 207.35(b)(4)(ii) may continue to be listed under such NDCs.

Here is the link to the full document:

<https://www.federalregister.gov/documents/2016/08/31/2016-20471/requirements-for-foreign-and-domestic-establishment-registration-and-listing-for-human-drugs>






- 3. A sponsor has drug listed a product with 10-count, 20-count and 30-count packages for a given start date. Six months later, the sponsor decides to add an SKU for a 40-count package (same product, just a new count size).**

- a) Should the sponsor revise the current SPL listing and simply add the new SKU to the listing (which would technically have an incorrect starting date but only for the newly added SKU)? What is the proper way to drug list the new SKU given everything is the same except for the different marketing start date?**






I would add the new SKU with the date that marketing of the SKU will start in the product data elements section, specifically in the packaging section. This is a new presentation that will have a different date that reflects when it hits the market. See below table for an example.

b) How should the sponsor handle the situation in reverse to remove an SKU(s)? Can you update the SPL listing to remove the SKU (without technically delisting the product) or do you have to formally delist that a specific product SKU(s)?

I would end the marketing start date of the SKU in the product data elements section by marking discontinued and adding the end of marketing date. See below table for an example.

- PACKAGING 					
#	NDC	Package Description	Marketing Start Date	Marketing End Date	Package Details
1	50000-000-12	10 CAPSULE In 1 CARTON	20160612		
2	50000-000-13	20 CAPSULE In 1 CARTON	20160612		
3	50000-000-14	30 CAPSULE In 1 CARTON	20160612		
4	50000-000-15	40 CAPSULE In 1 CARTON	20160922	20170612	

You should be able to add the new SKU with new date and revise the existing SPL. In consumer health we introduce new SKUs all the time and we can update the SPL on CDER direct. Every time you add a new SKU, you have to provide the marketing start date which can be different from other SKU start date. If you want to remove a SKU because it is no longer being marketed, you would simply add the marketing end date (expiration date of the last lot produced) for that specific SKUs. If the SKUs was listed by mistake, you may have to ask for a manual override. See the screen shot below from CDER direct.

- PACKAGING 									ADD PACKAGE
									row(s) 1 - 2 of 2
	PACKAGE NDC	NO OF LEVELS	PACKAGE TYPE	QUANTITY	UNIT OF MEASURE	MARKETING STATUS	MARKETING START DATE	MARKETING END DATE	CLONE
	0280-0031-26	1	BOTTLE, PLASTIC	769	mL	active	12-17-2014	-	
	0280-0031-12	1	BOTTLE, PLASTIC	355	mL	active	12-17-2014	-	

The screenshot shows the CDER Direct Electronic Submissions Portal. The top navigation bar includes links for Home, Product Listing and Reporting, Products, Product Details, and Packaging. The Packaging form is displayed with the following fields and values:

- ONLY LEVEL**
- Check for Deletion: ☐
- Is this a sample package?: ☐
- Package NDC: 0280-0031-26
- Package Type: BOTTLE, PLASTIC
- Quantity: 759
- Unit of Measure: mL
- Combination Product Type: Type 0: Not a Combination Product
- Marketing Status: active
- Marketing Start Date: 12-17-2014
- Marketing End Date: (empty)

Buttons at the top right of the form include SAVE PACKAGE, DELETE PACKAGE, DONE, and << RETURN. Buttons at the bottom right include ADD OUTER PACKAGE, DELETE, and ▲ TO TOP.

4. Is SPL Required for supplemental NDA for a Prior Approval Supplement that does not impact the registration and drug listing information? Dawn Bartizal

The April 2005 guidance document states that the SPL file should be submitted: <https://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM072331.pdf>. A regulatory project manager may exercise enforcement discretion.

SPL is submitted with the initial PAS. No further SPL would be required during negotiations with the FDA regarding the PAS. The final SPL should be submitted within 14 calendar days after approval or as soon as possible thereafter.

**For some, only submitted if labeling is involved the PAS.*

5. I would like to get a quick recap on MEI (Manufacturing Establishment Information in the eCTD file) and where most companies are at this point. Also, if it's known whether testing sites need to be included in addition to manufacturing sites. Kerry Regan

Due to a delay in posting the updated SPL Implementation Guide, Lonnie Smith's discussion of the new FDA MEI Draft Guidance and changes to the SPL Implementation Guide is postponed. Hopefully, it will be rescheduled for a future SPL Tech Team meeting. Stay tuned for updates.

Is implementation date to stay the same?

No information currently.